

Sixty-first
Legislative Assembly
of North Dakota

Introduced by Industrial Commission

1 A BILL for an Act to create and enact a new chapter in title 47 of the North Dakota
2 Century Code, relating to ownership of subsurface pore space:

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 Chapter 47-31 of the North Dakota Century Code is created and enacted as
5 follows:

6 **47-31-01. Policy.** Undivided estates in land and clarity in land titles reduce
7 litigation, enhance comprehensive management, and promote the security and stability
8 useful for economic development, environmental protection, and government
9 operations.

10 **47-31-02. Pore space defined.** In this chapter “pore space” means a cavity or
11 void, whether natural or artificially created, in a subsurface sedimentary stratum.

12 **47-31-03. Title to pore space.** Title to pore space in all strata underlying the
13 surface of lands and waters is vested in the owner of the overlying surface estate.

14 **47-31-04. Conveying real property conveys pore space.** A conveyance of
15 title to the surface of real property conveys the pore space in all strata underlying the
16 surface of the real property.

17 **47-31-05. Severing pore space prohibited.** Title to pore space may not be
18 severed from title to the surface of the real property overlying the pore space. Any

1 instrument or arrangement that seeks to sever title to pore space from title to the
2 surface is void.

3 **47-31-06. Transactions allowed.** Leasing pore space is not a severance
4 prohibited by this chapter.

5 **47-31-07. Application.** This chapter does not affect transactions prior to the
6 effective date of this chapter that severed pore space from title to the surface estate.